

EXHIBIT 4



**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

TQ DELTA, LLC,

Plaintiff,

v.

COMMSCOPE HOLDING COMPANY,
INC., COMMSCOPE, INC., ARRIS US
HOLDINGS, INC., ARRIS SOLUTIONS,
INC., ARRIS TECHNOLOGY, INC., and
ARRIS ENTERPRISES, LLC,

Defendants.

Civil Action No.: 2:21-cv-310

**DECLARATION OF ROSS R. BARTON IN SUPPORT OF COMMSCOPE'S
MOTION TO CHANGE LEAD COUNSEL DESIGNATION**

I, Ross R. Barton, declare:

1. I am a Partner at Alston & Bird LLP, counsel of record for Defendants CommScope Holding Company, Inc., CommScope Inc., ARRIS Enterprises, LLC, ARRIS US Holdings, Inc., ARRIS Solutions, Inc., ARRIS Technology (collectively, "CommScope"). I am over the age of 18 years, have personal knowledge of the matters in this declaration, and if called as a witness, I would and could competently testify to them.

2. My experience representing CommScope goes back to at least 2015, and I have maintained an attorney-client relationship with CommScope since that time on numerous different matters.

3. I spent more than four years litigating against TQ Delta in Delaware on behalf of ZyXEL. Case. No. 1:13-cv-02013 (D. Del.).

4. In December 2022, CommScope approached me directly to retain Alston & Bird to

represent it in *TQ Delta v. CommScope*, No. 2:21-cv-00310. I entered an appearance on behalf of CommScope on December 9, 2022. Dkt. No. 330.

5. I have been actively involved in all aspects of this case since December 9, 2022, including meeting with the client, substantively drafting and revising briefing for dispositive motions, evaluating Motions *in Limine*, and participating in other trial preparation. On Wednesday, February 15, 2023, I joined a meet and confer regarding the parties' joint exhibit list with Mr. Fink and Mr. Hurt of the Davis Firm. Since that time, I have actively participated in meet and confers between the parties, the parties' mediation in Dallas, Texas on February 21, 2023, and correspondence with the Court about pertinent issues that have arisen.

6. CommScope requested that I take over as lead counsel in February 2023. CommScope informed me that Mr. Douglas Kline, a partner at Goodwin Proctor LLP and CommScope's current lead counsel, would no longer be involved in the case.

7. On February 24, 2023, before TQ Delta filed its Opposition, CommScope informed TQ Delta that it is no longer pursuing art that was elected by Nokia but not elected by CommScope.

I declare under penalty of perjury that the foregoing is true and correct. Executed on February 27, 2023, in Charlotte, North Carolina.

/s/ *Ross R. Barton*
Ross R. Barton